

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

WASEEM DAKER,

Plaintiff,

vs.

JAMES DONALD, Commissioner, et al.,

Defendants.

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5:04CV337 (DF)

**ORDER**

This order is in reference to the Report and Recommendation that United States Magistrate Judge Claude W. Hicks, Jr. filed in this case on April 1, 2005. The report recommended that the Court dismiss Plaintiff's action against the Department of Corrections because the Department is not a person under 42 U.S.C. § 1983, and that Defendants Alan Adams, Thomas Nelson, Ken Harrell, David Frazier, Cheryl Chapman, and Cynthia Nelson be dismissed since specific allegations are lacking against these defendants. The Court has reviewed and carefully considered Plaintiff's objections to the Magistrate Judge's Recommendation, but concludes that these objections do not warrant rejection or modification of the Magistrate Judge's findings.

Accordingly, Defendants Department of Corrections, Adams, Thomas Nelson, Harrell, Frazier, Chapman, and Cynthia Nelson are **DISMISSED**. Also, pursuant to the directions given in the Report and Recommendation, Plaintiff's request to proceed *in forma pauperis* is **GRANTED**, conditionally.

SO ORDERED, this 28<sup>th</sup> day of April, 2005.

s/Duross Fitzpatrick

DUROSS FITZPATRICK, JUDGE  
UNITED STATES DISTRICT COURT

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